

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:19-cv-20195-JLK**

Organization of Professional Aviculturists, Inc. v. Everson et al  
Assigned to: Senior Judge James Lawrence King  
Referred to: Magistrate Judge Jacqueline Becerra  
Cause: 05:0552 Freedom of Information Act

Date Filed: 01/14/2019  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Organization of Professional Aviculturists, Inc.**

represented by **Mark Andrew Prada**  
Prada Urizar, PLLC  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Acting Director Margaret Everson**  
*in her official capacity as Principal Deputy Director Exercising the Authority of the Director of U.S. Fish and Wildlife Service*

represented by **Carlos Javier Raurell**  
United States Attorney's Office  
99 NE 4 Street  
Miami, FL 33132  
305-961-9243  
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Email: [carlos.raurell@usdoj.gov](mailto:carlos.raurell@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Fish and Wildlife Service**

represented by **Carlos Javier Raurell**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/14/2019	<u>1</u>	COMPLAINT under the Freedom of Information Act against All Defendants. Filing fees \$ 400.00 receipt number 113C-11311518, filed by Organization of Professional Aviculturists, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Appendix, # <u>3</u> Summon(s))(Prada, Mark) (Entered: 01/14/2019)
01/14/2019	<u>2</u>	Clerks Notice of Judge Assignment to Senior Judge James Lawrence King.  Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Jacqueline Becerra is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent.  Pro se (NON-PRISONER) litigants may receive Notices of Electronic Filings (NEFS) via email after filing a Consent by Pro Se Litigant (NON-PRISONER) to Receive Notices of Electronic Filing. The consent form is available under the forms section of our website. (jao) (Entered: 01/15/2019)
01/15/2019	<u>3</u>	Summons Issued as to Margaret Everson, U.S. Fish and Wildlife Service, U.S. Attorney and U.S. Attorney General (jao) (Entered: 01/15/2019)

01/15/2019	<u>4</u>	Corporate Disclosure Statement by Organization of Professional Aviculturists, Inc. (Prada, Mark) (Entered: 01/15/2019)
01/15/2019	<u>5</u>	CERTIFICATE OF SERVICE by Organization of Professional Aviculturists, Inc. re <u>3</u> Summons Issued as to USA, <u>1</u> Complaint, (Prada, Mark) (Entered: 01/15/2019)
02/14/2019	<u>6</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>1</u> Complaint, by Margaret Everson, U.S. Fish and Wildlife Service. Attorney Carlos Javier Raurell added to party Margaret Everson(pty:dft), Attorney Carlos Javier Raurell added to party U.S. Fish and Wildlife Service(pty:dft). (Raurell, Carlos) (Entered: 02/14/2019)
02/15/2019	<u>7</u>	ORDER granting <u>6</u> Motion for Extension of Time to File Response/Answer to a Complaint or Other Case Initiating Document All Defendants. Re: <u>1</u> Complaint, filed by Organization of Professional Aviculturists, Inc. Signed by Senior Judge James Lawrence King on 2/15/2019. <i>See attached document for full details.</i> (ch1) (Entered: 02/15/2019)
04/19/2019	<u>8</u>	Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, <i>as Moot</i> by Margaret Everson, U.S. Fish and Wildlife Service. Responses due by 5/3/2019 (Attachments: # <u>1</u> Exhibit Declaration of Cathy Willis)(Raurell, Carlos) (Entered: 04/19/2019)
04/30/2019	<u>9</u>	RESPONSE in Opposition re <u>8</u> Defendant's MOTION to Dismiss for Lack of Jurisdiction <u>1</u> Complaint, <i>as Moot</i> filed by Organization of Professional Aviculturists, Inc.. Replies due by 5/7/2019. (Prada, Mark) (Entered: 04/30/2019)
04/30/2019	<u>10</u>	First AMENDED COMPLAINT against All Defendants, filed by Organization of Professional Aviculturists, Inc.. (Attachments: # <u>1</u> Appendix)(Prada, Mark) (Entered: 04/30/2019)
04/30/2019	<u>11</u>	NOTICE by U.S. Fish and Wildlife Service re <u>10</u> Amended Complaint, <u>9</u> Response in Opposition to Motion (Raurell, Carlos) (Entered: 04/30/2019)
05/09/2019	<u>12</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>10</u> Amended Complaint by Margaret Everson, U.S. Fish and Wildlife Service. (Raurell, Carlos) (Entered: 05/09/2019)
05/10/2019	<u>13</u>	ORDER Granting <u>12</u> Motion for Extension of Time to File Answer to a Complaint or Other Case Initiating Document All Defendants. Re: <u>10</u> Amended Complaint filed by Organization of Professional Aviculturists, Inc.. Signed by Senior Judge James Lawrence King on 5/10/2019. <i>See attached document for full details.</i> (jw) (Entered: 05/10/2019)
05/29/2019	<u>14</u>	Defendants' ANSWER and Affirmative Defenses to Amended Complaint by Margaret Everson, U.S. Fish and Wildlife Service. (Raurell, Carlos) (Entered: 05/29/2019)
05/31/2019	<u>15</u>	SCHEDULING ORDER: Discovery due by 11/6/2019. Motions due by 11/11/2019. Pretrial Stipulation due by 1/3/2020. Calendar Call set for 4/2/2020 10:00 AM in Miami Division before Senior Judge James Lawrence King. Final Pretrial Conference set for 1/10/2020 10:00 AM in Miami Division before Senior Judge James Lawrence King. Bench Trial set for 4/6/2020 09:00 AM in Miami Division before Senior Judge James Lawrence King. All hearings will be held in Courtroom II, Eleventh Floor. Signed by Senior Judge James Lawrence King on 5/31/2019. <i>See attached document for full details.</i> (jw) (Entered: 05/31/2019)
05/31/2019	<u>16</u>	ORDER OF REFERENCE TO MAGISTRATE JUDGE FOR ALL PRETRIAL PROCEEDINGS Signed by Senior Judge James Lawrence King on 05/31/2019. <i>See attached document for full details.</i> (jao) (Entered: 05/31/2019)
06/12/2019	<u>17</u>	PAPERLESS ORDER. THIS CAUSE came before the Court on Defendants' Motion to Dismiss Plaintiff's Complaint as Moot. ECF No. <u>8</u> . On April 30, 2019, Plaintiff filed its Opposition to Defendants' Motion to Dismiss Complaint as Moot, ECF No. <u>9</u> , and also filed an Amended Complaint for Injunctive Relief, Declaratory and Mandamus Relief, ECF No. <u>10</u> . That same day, Defendants filed a Notice, ECF No. <u>11</u> , explaining that because Plaintiff filed an amended complaint, Defendants would not file a reply in further support of their motion to dismiss, and will instead respond to Plaintiff's Amended Complaint, which they did, ECF No. <u>14</u> . Upon consideration of Defendants' Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Defendants' Motion to Dismiss Plaintiff's Complaint, ECF No. <u>8</u> , is DENIED AS MOOT. <i>Gray v. D.C. Pub. Sch.</i> , 688 F. Supp. 2d

	1, 6 (D.D.C. 2010) ("When a plaintiff amends her complaint, it renders a motion to dismiss that complaint moot."). Signed by Magistrate Judge Jacqueline Becerra on 6/12/2019. (jv00) (Entered: 06/12/2019)
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